

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT**

IN RE:

Carrie McCrory,

**Case No. 10-53989-PJS
Honorable Phillip J. Shefferly
Chapter 13**

Debtor.

DEBTOR'S POST-CONFIRMATION CHAPTER 13 PLAN MODIFICATION

NOW COMES the Debtor, Carrie McCrory, by and through counsel, MARRS & TERRY, PLLC, and in support of her Post-Confirmation Chapter 13 Plan Modification states as follows:

- 1.) The Debtor filed a Voluntary Chapter 13 Bankruptcy Petition on or about April 28, 2010.
- 2.) The Debtor's Chapter 13 case was confirmed on or about October 30, 2010.
- 3.) The Debtor's Chapter 13 Plan was confirmed for a term of sixty (60) months.
- 4.) The Debtor's Chapter 13 Plan has fifty (50) months remaining.
- 5.) The Order Confirming Debtor's Chapter 13 Plan included provisions for step payments when two vehicles were paid off. The first step increased the payment by \$209.00 semi-monthly as of May 1, 2011 as Debtor believed her husband's car would be paid off by that date. The second step payment increased the payment by \$272.00 semi-monthly effective July 1, 2011 due to the truck being paid off by that date.
- 6.) Debtor was mistaken regarding the pay off date for her husband's car. The car will not be paid off until May, 2012.
- 7.) Debtor proposes to modify her Chapter 13 Plan as follows so that she can continue to pay her regular ongoing monthly bills and make her Chapter 13 Plan payments:
 - a.) Debtor's Chapter 13 Plan payment shall be \$414.00 semi-monthly through June 30, 2011.
 - b.) Debtor's Chapter 13 Plan payment shall be \$686.00 semi-monthly effective July 1, 2011.
 - c.) Debtor's Chapter 13 Plan payment shall be \$895.00 semi-monthly effective June 1, 2012.
 - d.) The Chapter 13 Trustee shall refund the overpayment to Debtor of \$1,672.00 representing additional payments of \$209.00 per month made to the Chapter 13 Trustee in May, June, July, and August of 2011. In the event that the first payment of September, 2011 is also an over payment, the Trustee shall refund that amount to the Debtor as well.

e.) Debtor's Chapter 13 Plan will yield 81% to Class 8 general unsecured creditors.

8.) The impact on all classes of creditors is as follows:

Class One- No impact as administrative expenses will continue to be paid pursuant to the confirmed Chapter 13 Plan.

Class Two- No impact as there are no creditors in this class being paid by the Chapter 13 Trustee.

Class Three- No impact as there are no creditors in this class being paid by the Chapter 13 Trustee.

Class Four- No impact as there are no creditors in this class being paid by the Chapter 13 Trustee.

Class Five- No impact as there are no creditors in this class being paid by the Chapter 13 Trustee.

Class Six- No impact as there are no creditors in this class being paid by the Chapter 13 Trustee.

Class Seven- No impact as there are no creditors in this class being paid by the Chapter 13 Trustee.

Class Eight- Creditors in this class will receive approximately 81% on their claims.

WHEREFORE, the Debtor respectfully requests that this Honorable Court grant the Debtors' Post-Confirmation Chapter 13 Plan Modification as follows:

a.) Debtor's Chapter 13 Plan payment shall be \$414.00 semi-monthly through June 30, 2011.

b.) Debtor's Chapter 13 Plan payment shall be \$686.00 semi-monthly effective July 1, 2011.

c.) Debtor's Chapter 13 Plan payment shall be \$895.00 semi-monthly effective June 1, 2012.

d.) The Chapter 13 Trustee shall refund the overpayment to Debtor of \$1,672.00 representing additional payments of \$209.00 per month made to the Chapter 13 Trustee in May, June, July, and August of 2011. In the event that the first payment of September, 2011 is also an over payment, the Trustee shall refund that amount to the Debtor as well.

Dated: August 9, 2011

Respectfully submitted,
/s/ Melissa D. Francis, Esq.
Tricia Stewart Terry, Esq. (P59522)
Melissa D. Francis, Esq. (P61495)
MARRS & TERRY, PLLC
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Debtor.

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**ORDER GRANTING DEBTOR'S POST-CONFIRMATION CHAPTER 13 PLAN
MODIFICATION**

This matter having come before the Court upon the Debtors' Post-Confirmation Chapter 13 Plan Modification and all interested parties having been served with notice of the motion, no objections to the motion having been received and a certification of no response having been filed, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the Debtor's Chapter 13 Plan payment shall be \$414.00 semi-monthly through June 30, 2011.

IT IS FURTHER ORDERED that the Debtor's Chapter 13 Plan payment shall be \$686.00 semi-monthly effective July 1, 2011.

IT IS FURTHER ORDERED that the Debtor's Chapter 13 Plan payment shall be \$895.00 semi-monthly effective June 1, 2012.

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall refund the overpayment to Debtor of \$1,672.00 representing additional payments of \$209.00 per month made to the Chapter 13 Trustee in May, June, July, and August of 2011. In the event that the first payment of September, 2011 is also an over payment, the Trustee shall refund that amount to the Debtor as well.

IT IS FURTHER ORDERED that the Chapter 13 Plan as confirmed shall remain in full force and effect.

EXHIBIT "A"

N. LIQUIDATION ANALYSIS AND STATEMENT OF VALUE OF ENCUMBERED PROPERTY
[LBR 3015-1(b)(1)]:

TYPE OF PROPERTY	FAIR MARKET VALUE	LIENS	DEBTOR'S SHARE OF EQUITY	EXEMPT AMOUNT	NON-EXEMPT AMOUNT
PERSONAL RESIDENCE	0.00	0.00	0.00	0.00	0.00
VEHICLES	3,000.00	0.00	3,000.00	3,000.00	0.00
HHG/PERSONAL EFFECTS	6,100.00	0.00	6,100.00	6,100.00	0.00
JEWELRY	3,000.00	0.00	3,000.00	3,000.00	0.00
CASH/BANK ACCOUNTS	2,500.00	0.00	2,500.00	2,500.00	0.00
OTHER	16,000.00	0.00	16,000.00	16,000.00	0.00

Amount available upon liquidation	\$	<u>0.00</u>
Less administrative expenses and costs.....	\$	<u>0.00</u>
Less priority claims	\$	<u>0.00</u>
Amount Available in Chapter 7.....	\$	<u>0.00</u>

WORKSHEET

1. Length of Plan is _____ weeks; **60** months; _____ years.

Step #1:

2. \$ **686.00** per pay period x ^(Semi-Monthly)
22 pay periods per Plan = \$ **15,092.00** total per Plan

Step #2:

\$ **895.00** per pay period x ^(Semi-Monthly)
80 pay periods per Plan = \$ **71,600.00** total per Plan

3. \$ _____ per period x _____ periods in Plan = _____

4. Lump Sums: **0.00**

5. Equals total to be paid into the Plan **86,692.00**

6. Estimated trustee's fees **6068.44**

7. Attorney fees and costs **1500.00**

8. Total priority claims **0.00**

9. Total installment mortgage or
other long-term debt payments **0.00**

10. Total of arrearage
including interest **0.00**

11. Total secured claims,
including interest **0.00**

Total of items 6 through 11 \$ **7568.44**

12. Funds available for unsecured creditors (item 5 minus item 11 plus totals already disbursed to
unsecured creditors as of 8-9-11 (less 1881 for money to be refunded to Debtor)) \$ **85,352.56**

13. Total unsecured claims (if all file) \$ **105,617.53**

14. Estimated percentage to unsecured creditors under Plan (item 12 divided by item 13) **81%**

15. Estimated dividend to general unsecured creditors if
Chapter 7, (see liquidation analysis attached) \$ **0.00**

COMMENTS:

**UNITED STATES BANKRUPTCY COURT
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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Marrs & Terry, PLLC
6553 Jackson Rd.
Ann Arbor, MI 48103

David Wm. Ruskin, Chapter 13 Trustee
1100 Travelers Towers
26555 Evergreen Road
Southfield, MI 48076-4251

Respectfully submitted,

/s/ Melissa D. Francis, Esq.

Melissa D. Francis, Esq. (P61495)
Marrs & Terry, PLLC
6553 Jackson Rd.
Ann Arbor, Michigan 48103
(734) 663-0555
mandtecf@gmail.com

Dated: August 9, 2011

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**PROOF OF SERVICE OF DEBTORS' POST-CONFIRMATION CHAPTER 13 PLAN
MODIFICATION**

The undersigned hereby states that she did serve the **Debtors' Post-Confirmation Chapter 13 Plan Modification, Notice of Plan Modification, Proposed Order and Proof of Service** via the courts Electronic Case Filing System or First Class U.S. Mail upon the following:

****SEE ATTACHED MATRIX****

Dated: August 9, 2011

/s/ Melissa D. Francis, Esq. _____
Melissa D. Francis, Esq. (P61495)
MARRS & TERRY, PLLC
Attorneys for Debtors
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Ann Arbor MI 48103
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